

January 27, 2005

The Honorable Raymond Marin
3425 N.E. 167th Street
North Miami Beach, Florida 33160

RE: REQUEST FOR ADVISORY OPINION 05-06

Dear Councilman Marin:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 26, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any potential conflicts created by the use of use of your title in letterhead for your mayoral campaign.

In your letter, you advised the Commission that you are planning a run for the Mayor of North Miami Beach. You have personal stationery that is only used during elections. The stationery is primarily used to thank campaign contributors and for other campaign purposes. You are currently in the process of creating new letterhead that will use the word "Elect" instead of "Re-Elect". The letter will include the disclosure that is paid for by the Marin campaign. You would like to include your current title of Councilman in your letterhead for the campaign.

The Commission found that the Conflict of Interest ordinance permits you to use your title on the personal stationery for your campaign. The use of your title on your

letterhead does not constitute a violation of Section 2-11.1 (g)(exploitation of official position). Section 2-11.1(g) provides that "No person shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted by the Board of County Commissioners." Your use of your title in official stationery for your campaign does not constitute the use of your official position to secure special benefits for yourself. It is appropriate for you to refer to your public position on campaign stationery.

Accordingly, the use of personal campaign stationery that uses your current title and contains information stating it is for campaign purposes does not constitute a violation of the Conflict of Interest ordinance.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director

